

REMARKS/ARGUMENT

Claims 1, 4-8, 11-15, and 18-21 are pending in the application. Applicants respectfully request reconsideration of the final rejection of claims 1, 4-8, 11-15, and 18-21.

Rejections under 35 USC §103

Claims 1, 4-8, 11-15, and 18-21 were finally rejected under 35 USC §103(a) as being unpatentable over East et al. (U.S. Patent Application Publication No. US 2003/0061323), and further in view of Bailey et al. (U.S. Patent No. 6,205,508). These claim rejections are respectfully traversed, and Applicants request reconsideration.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references when combined must teach or suggest all the claim limitations. (MPEP §2143). The mere fact that a reference can be modified does not render the resultant modification obvious unless the prior art also suggest the desirability of the combination. That is, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure. Applicants respectfully submit a *prima facie* case of obviousness is not supported against Applicants' claimed invention.

The Office has failed to provide evidence from the prior art to support the combination as asserted. Stating only an advantage to the asserted combination, "enabling multiple administrators to take part in an even and equal distribution of tasks will allow the system to optimize the load placed on one administrator" (page 3), and further not providing a cite for the assertion, the Office has failed to support a *prima facie* case of obviousness by ignoring the required motivation for a combination, and further ignoring that such motivation must be found in the references themselves. Applicants respectfully submit that no such motivation is presented in the cited references, that the references in distinctly different technological fields would not suggest such a

combination to one of ordinary skill in the art, and that even if there were such a motivation, the asserted combination fails to teach or suggest all the claim limitations as described below.

As described in a prior amendment, the patent application publication of East et al. teach a management system for thin clients whereby thin clients are organized into a hierarchy with multiple administrative servers in a hierarchy, each managing one or more thin clients. The system includes a master administrative server, one or more lower-level remote administrative servers, and a network of thin clients organized into arbitrary clusters.

The patent to Bailey et al. is in the generally unrelated and distinctly different field of multiprocessing computer systems, and more particularly to interrupt messaging within a multiprocessing computer system (col. 1, lines 7-9).

According to the Office, the East et al. reference teaches essentially all of the features of Applicants independent claims 1, 8, and 15, but does not teach wherein the distributing includes dividing said administrative tasks into a plurality of task groups wherein a first number of said task groups is equal to a second number of said administrators. In order to identify the feature, the Office has utilized the reference to Bailey et al., a reference in a technology field that is unrelated and distinctly different than that of Applicants' presently claimed invention, as well as that of the reference to East et al. Applicants further respectfully submit that the cited reference fails to teach or suggest that which the Office asserts, and the asserted combination fails to teach or suggest all of the claim features of Applicants' independent claims 1, 8, and 15.

According to the Office, "Bailey teaches multiprocessing computer systems. In multiprocessing environment (sic), tasks are divided into groups or 'threads' that can be handled by separate processors and the distributed tasks are distributed simultaneously in parallel (col. 1, lines 12-23)." The Office then further mischaracterizes the cited section to suggest that the citation supports the proposition of "even and equal distribution." Applicants respectfully submit that the reference teaches no such distribution. The cited section states, "The operating system software may divide various portions of the program code into separately executable threads, and may also typically assign a priority

level to each thread.” Ignoring the fact that the reference is teaching operating system software and program code, the reference is teaching only dividing portions of code into separately executable threads, and the assigning of priority levels to each thread.

Applicants once again reiterate that what is claimed is “wherein a first number of said task groups is equal to a second number of said administrators.” The Office seems to be suggesting that the Bailey et al. reference teaches or suggests an “even and equal distribution,” which, in turn, is supposed to teach or suggest Applicants’ claimed first number of said task groups is equal to a second number of said administrators. Bailey et al., in the cited section, teaches distributed, prioritized, executable threads of program code. Nothing in the cited section suggests that the threads are “equal,” and in fact that the threads are prioritized. Further, as is well known in the art, a typical distribution is not an “equal” distribution, but rather a distribution according to optimized processing functions, *e.g.*, processors optimized for particular functions or types of functions, and threads distributed to the optimized processors accordingly.

Applicants therefore respectfully submit that the asserted combination, lacking in motivation to combine, still fails to teach or suggest all the claim limitations of Applicants’ independent claims 1, 8, and 15.

Turning to Examiner’s paragraph 4, while the Examiner may arbitrarily define any term or concept in any manner desired, the requirement under MPEP (*e.g.*, §2143) is that the combination must teach or suggest all the claim limitations, and that claim limitations are read in light of the specification which supports them. Applicants have claimed educators, not LAN administrators.


Applicants note that the Office as suggested at paragraph 5 that East et al. teach or suggest in paragraph [0009] network administrator tasks, and then define a network administrator, from Newton’s Telecom Dictionary, as one who assigns passwords, etc. Applicants have claimed the method for administration of a thin client architecture having a plurality of administrators, distributing a plurality of administrative tasks among the administrators including dividing the administrative tasks into a plurality of task groups wherein a first number of the tasks groups is equal to a second number of the administrators, executing the administrative tasks, storing an account state for a user, and

routing the account state to a terminal wherein the user is logged into the terminal. Applicants respectfully submit that however the Newton's Telecom Dictionary may or may not define the position, person, or duties of a network administrator is utterly irrelevant to what Applicants have claimed, and is certainly not taught or suggested by the asserted combination with the additional and irrelevant citation to the dictionary.

Applicants respectfully request that the Office again consider the requirements of MPEP §2143, and at least that in order to support a *prima facie* case of obviousness there must be motivation to combine, that the motivation must come from the references themselves, and that, when combined, the references teach or suggest all the claim limitations. Applicants submit that a *prima facie* case of obviousness has not been supported against Applicants independent claims 1, 8, and 15 for at least the reasons set forth above, and that the claims are therefore patentable under 35 USC §103 over East et al. in view of Bailey et al. Dependent claims 4-7, 11-14, and 18-21, each of which depend from one of independent claims 1, 8, and 15, are patentable for at least the same reasons.

In view of the foregoing, Applicants respectfully request reconsideration of claims 1, 4-8, 11-15, and 18-21. Applicants submit that all claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. If Examiner has any questions concerning the present Amendment, the Examiner is kindly requested to contact the undersigned at (408) 749-6900, ext. 6905. If any additional fees are due in connection with filing this amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. SUNMP582). A copy of the transmittal is enclosed for this purpose.

Respectfully submitted,
MARTINE PENILLA & GENCARELLA LLP


Rick von Wohld, Esq.
Reg. No. 48,018

710 Lakeway Drive, Suite 200
Sunnyvale, California 94085
Customer Number 32291